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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,038	09/12/2003	John Strassner	CNTW-021/01US	3174
22903 7590 01/29/2008 COOLEY GODWARD KRONISH LLP ATTN: PATENT GROUP Suite 1100 777 - 6th Street, NW WASHINGTON, DC 20001			EXAMINER WON, MICHAEL YOUNG	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 01/29/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/662,038	STRASSNER, JOHN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Y. Won	2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/12/03, 11/21/03, 3/5/04, 4/6/05, &amp; 1/25/07</u> .        | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This action is in response to the amendment filed September 12, 2003.
2. Claims 1-24 have been examined and are pending with this action.

### *Claim Objections*

3. Claim 2 is objected to because of the following informalities: Claim 2 depends on itself. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Wanderer et al. (US 5,491,796).

### INDEPENDENT:

As per **claim 1**, Wanderer teaches a system for managing a network comprising:  
a processor (inherency) configured to manage at least one network element associated with the network (see col.2, lines 32-36: "a network management system in which various elements... are remotely controlled from a single point of maintenance");

a memory device (inherency) coupled to the processor and configured to store an application program (see col.55: "one skilled in the art will readily appreciate that other applications may be substituted for those set forth herein"); and

one or more repositories configured to communicate with the network (see Fig.3, #44: DATABASE), where at least one repository is configured to maintain an object-oriented information model, the information model including at least one managed entity data structure for describing the network element as a physical entity represented by one or more physical objects (see col.24, lines 44-45: "refer to MIB variables that are retrieved from the database"),

wherein the at least one managed entity data structure is used to map different characteristics of different network elements into one or more vendor-independent data models (see col.3, lines 53-61: "raw agent data may be processed to derive desired information in a desired format. A version identifier is stored in the DSF... "; and col.8, lines 1-2: "configuration file provides mapping from Agent identifier to DSF").

As per **claim 11**, Wanderer teaches a method for managing a network comprising:

forming a first representation of a network element as a physical entity in an information model, the first representation having a form independent of an implementation defined by a vendor (see col.3, lines 42-52: "produces a view of the agent for remote management " and "device specification files define the graphical view of the agent as multiple objects"); and

mapping a portion of the first representation from the information model to a second representation in a vendor-independent data model residing in a first repository (see col.24, lines 44-45: "refer to MIB variables that are retrieved from the database"), the second representation having a form suitable for use with the first repository (see col.3, lines 53-61: "raw agent data may be processed to derive desired information in a desired format. A version identifier is stored in the DSF... "; and col.8, lines 1-2: "configuration file provides mapping from Agent identifier to DSF").

As per **claim 20**, Wanderer teaches a method for obtaining information from different devices in a network comprising:

receiving data representing the information from each of the different devices, where the data is in a specific form relating to each of the different devices (see col.3, lines 53-54: "agent may be polled for certain MIB attributes which may be displayed"); and

assigning the data from each of the different devices to one or more entities as defined by an information model (see col.3, lines 53-61: "raw agent data may be processed to derive desired information in a desired format. A version identifier is stored in the DSF... ").

**DEPENDENT:**

As per **claim 2**, which depends on claim 2, Wanderer further teaches wherein the at least one managed entity data structure further describes the network element a logical entity represented by one or more logical objects (see col.3, lines 53-54).

As per **claim 3**, which depends on claim 1, Wanderer further teaches wherein the at least one managed entity data structure further describes a logical characteristic for the network element as one or more logical characteristic classes (see col.22, lines 10-17).

As per **claim 4**, which depends on claim 1, Wanderer further teaches wherein the at least one managed entity data structure further describes a composition of the network element as one or more composition classes (see col.17, lines 3-9).

As per **claim 5**, which depends on claim 1, Wanderer further teaches wherein the at least one managed entity data structure further describes equivalent physical capabilities with at least one other different network element as one or more equivalent physical capabilities mappings (see col.6, line 60-col.7, line 22 and col.7, line 64-col.8, line 7).

As per **claim 6**, which depends on claim 1, Wanderer further teaches wherein the at least one managed entity data structure further describes equivalent logical capabilities with an implementation of at least one other different network element as one or more equivalent logical capabilities mappings (see col.6, line 60-col.7, line 22 and col.7, line 64-col.8, line 7).

As per **claim 7**, which depends on claim 1, Wanderer further teaches wherein the at least one managed entity data structure further describes a link between a logical capability and hardware for performing the logical capability as one or more hardware linkage mappings (see col.6, line 60-col.7, line 22 and col.7, line 64-col.8, line 7).

As per **claim 8**, which depends on claim 1, Wanderer further teaches wherein the at least one managed entity data structure further describes at least one link between different logical features and vendor- specific commands as one or more vendor- specific mappings (see col.3, lines 36-41).

As per **claim 9**, which depends on claim 1, Wanderer further teaches wherein the application program is configured to solicit information from at least two different network elements (see col.3, lines 26-30).

As per **claim 10**, which depends on claim 1, Wanderer further teaches wherein one of the at least two different network elements is associated with a command line interface programming model and another of the at least two different network elements is associated with a simple network management protocol programming model (see col.7, lines 35-45).

As per **claim 12**, which depends on claim 11, Wanderer further teaches wherein the first representation, further represents the network element as a logical entity (see col.3, lines 42-52).

As per **claim 13**, which depends on claim 11, Wanderer further teaches wherein forming the first representation in the information model further comprises: abstracting a characteristic from one or more different network elements (see col.3, lines 42-52); and mapping the abstracted characteristic to the information model (see col.8, lines 1-7).

As per **claim 14**, which depends on claim 13, Wanderer further teaches wherein the characteristic relates to a programming model of the one or more different network elements (see col.3, lines 26-30).



As per **claim 15**, which depends on claim 11, Wanderer teaches further comprising mapping the second representation into a third representation in a vendor-dependent data model, wherein the third representation is optimized for implementing the network element (see col.3, lines 36-49).

As per **claim 16**, which depends on claim 15, Wanderer further teaches wherein the third representation is in a form for implementing the network element as a specific device as defined by the vendor (see col.3, lines 36-41).

As per **claim 17**, which depends on claim 11, Wanderer further teaches wherein the first repository is a relational database (see Fig.3).

As per **claim 18**, which depends on claim 11, Wanderer teaches further comprising mapping another portion of the first representation from the information model to another vendor-independent data model residing in a second repository (see col.7, lines 21-22).

As per **claim 19**, which depends on claim 18, Wanderer further teaches wherein the second repository is a directory (see col.24, lines 31-35).

As per **claim 21**, which depends on claim 20, Wanderer further teaches wherein assigning the data further comprises: preserving a semantic of the received data (see col.3, line 53); comparing received data against one or more managed entities (see col.3, lines 42-44); and transforming the data into a common representation (see col.3, lines 56-59).



As per **claim 22**, which depends on claim 21, Wanderer teaches further comprising using the common representation of the data to monitor the performance of the network (see abstract).

As per **claim 23**, which depends on claim 21, Wanderer further teaches wherein transforming the data into a common representation is performed by a mediation layer (see col.7, lines 21-22).

As per **claim 24**, which depends on claim 20, Wanderer teaches further comprising grouping the data from each of the different devices using an adaptation layer before assigning to one or more entities (see col.36, lines 5-7).

### ***Conclusion***

5. For the reason above claim 1-24 have been rejected and remain pending.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Michael Won/

Primary Examiner

January 15, 2008